The Ombudsman, Hong Kong

2022/23
Summary of Annual Report

POSITIVE COMPLAINT CULTURE
FOR **BETTER** ADMINISTRATION

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The Ombudsman, Hong Kong

Complaints and Enquiries

In 2022/23, we received 5,357 cases of complaints. Together with the cases brought forward from last year, we completed a total of 5,323 complaint cases. Among the cases processed, 2,558 were pursued and concluded and 2,765 were assessed and closed after assessment due to insufficient grounds to pursue the complaint or jurisdictional or legal restrictions. We also received 9,279 enquiries.

In 2022/23, we received 766 complaints in relation to COVID-19, accounting for about 14% of the total number of complaints. Such complaints were mainly related to the arrangements and actions taken by the authorities in response to the pandemic, relief measures, public services not meeting the public's expectations during the outbreak and so forth.

2022/23 Highlights

Total Complaints Received
5,357

Normal Complaints	Topical Complaints
5,124	233

Total Enquiries Received
9,279

Total Complaints Completed
5,323

Normal Complaints	Topical Complaints
5,069	254

Outcome of Investigations and Inquiries

In the year, we conducted 141 full investigations. 78 (55.3%) were substantiated, partially substantiated or unsubstantiated but with other inadequacies found. Among the 2,112 inquiry cases concluded, inadequacies were found in 378 (17.9%).

- 11.3% Substantiated
- 36.2% Partially substantiated
- 7.8% Unsubstantiated but other inadequacies found
- 44.0% Unsubstantiated
- 0.7% Withdrawn/discontinued

Direct Investigations

During the year we completed nine direct investigations:

DI/444	Management and Effectiveness of Waste Separation Bins
DI/446	Effectiveness of Rodent Prevention and Control by Food and Environmental Hygiene Department
DI/449	Civil Aviation Department's Regulation of Paragliding Activities
DI/451	Problem of Abandoned Vehicles on Government Land
DI/452	Government's Enforcement against Unauthorised Building Works in New Territories Exempted Houses
DI/453	Problem of Alleged Illegal Operation of Kaito Ferry Service
DI/454	Operational Arrangements for Statutory Visits under Justices of the Peace Visit Programme
DI/455	Government's Regulation of Illegal Occupation or Obstruction of Streets by Goods and Miscellaneous Articles
DI/460	E-book Lending Service of Public Libraries under Leisure and Cultural Services Department

Recommendations

Below are the figures on our investigations conducted and recommendations made this year.

11.4%
Under consideration

88.6%
Accepted for implementation

Total number of recommendations made
211

Full investigations concluded:
141

Recommendations made:
125

Direct investigations concluded:
9

Recommendations made:
86

Achievement of Performance Pledges

We met all targets of our service standards in processing complaints in the year.

Complaints	Service Standard	Target	Achievement
Acknowledge receipt of a complaint	within 5 working days	99%	100%
Close a complaint case after initial assessment due to jurisdictional restrictions	within 10 working days	90%	99.7%
	within 15 working days	99%	100%
Conclude a complaint case	within 3 months	80%	86.8%
	within 6 months	99%	99.4%

We were also able to meet the targets of our service standard in handling enquiries.

Enquiries	Service Standard	Target	Achievement
Reply to a written enquiry	Within 5 working days	95%	99.4%
	Within 10 working days	99%	100%

Mediation

In 2022/23, we attempted to resolve 306 cases by mediation, of which 305 were successful – a record high. 182 cases (or 59.7%) were pandemic-related, which concerned mainly the processing of applications for various schemes under the Anti-epidemic Fund and implementation of various anti-epidemic policies. The average lead-time taken to resolve a complaint through mediation went further down to 11.6 days (1.8 days faster than the previous year); and over 64% and 91% were settled within 10 days and a month respectively.

306
Mediation Cases

Complaints on Access to Information

During the year, we received a total of 67 complaints related to access to information ("ATI") which was the lowest in the past five years. Among the 71 ATI complaints concluded, inadequacies were found in 18 cases (25%), again the lowest in recent years. A reasonable inference is Government departments and public bodies have become more conversant with the Code.

	Received	Concluded*
Organisations covered by the Code	66	69
Organisations not covered by the Code	1	2

* Including those carried forward from last year

Re-assessment of Cases and Review of Cases

We re-assessed 276 cases, with 134 cases subsequently re-opened. Moreover, we reviewed 102 cases. Conclusions were upheld for all these cases except one.

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Spreading Our Message

As the epidemic situation began to stabilise in mid-2022, more and more of our promotional activities took the form of in-person events.

In 2022/23, we organised three press conferences and issued three press releases to announce the results of nine direct investigations. We declared the launch of ten direct investigations and invited public views.

We delivered seven talks to various government departments and organisations on the mission and work of our Office, and shared our experience in complaint handling. In order to help the young population to have a better understanding about our Office, we organised school talks to promote the Office's mission and work. In total, more than 2,000 students had attended the eight school talks we held.

We hosted our first annual seminar after the epidemic jointly with the Environmental Protection Department. The Seminar, entitled "Environmental Protection – Law Enforcement with Smart Technology", was held on 10 March 2023 and was attended by our expert advisers and Justices of the Peace.

The Presentation Ceremony of The Ombudsman's Awards this year was held on 16 November 2022. The Grand Award went to the Environmental Protection Department, whereas the Agriculture, Fisheries and Conservation Department and the Department of Health were the runners-up. The Leisure and Cultural Services Department received the Award on Mediation. 61 public officers were given the individual awards to recognise their exemplary performance in public service.

In October 2022, the Ombudsman attended a members' meeting organised by the Australasia and Pacific Ombudsman Region of the International Ombudsman Institute in New Zealand and the annual meeting of the board of directors of the Asian Ombudsman Association and an international conference organised by the Office of the Commissioner for Human Rights (Ombudsman) of Azerbaijan, both held in Azerbaijan. In March 2023, the Office received a delegation led by the Commissioner Against Corruption of Macao. We exchanged views on the work of our offices and drew on each other's experience.

Embracing a Better Future

We continued to build our professional capacity and foster a learning culture in this extraordinary time by organising induction training for new investigators to equip them with the knowledge to discharge their duties effectively. We ran an interactive class on customer service in complaint handling, experience sharing workshops on tackling difficult situations in complaint handling and access to information cases. We also arranged staff to attend online or classroom management and vocational training to enhance their work knowledge and job skills.

On our invitation, the Independent Commission Against Corruption conducted workshops for our staff on integrity management. To keep staff abreast of the best practices and latest trends in complaint handling in different jurisdictions, we sent staff to attend conferences organised by overseas ombudsman institutes.

We continued to subscribe for our staff to an Employee Wellness Programme, which offered coaching and counselling to our staff to help them achieve personal and professional effectiveness. To echo the theme of our programme titled "To Thrive in Times of Change", we organised staff wellness workshops, aiming to empower them with positive energy for positive living.

	Reporting year[1]				
	18/19	**19/20**	**20/21**	**21/22**	**22/23**
Enquiries	**10,403**	**8,581**	**7,505**	**8,851**	**9,279**
Complaints					
(a) For processing	**5,808**	**20,737**	**30,713**	**5,626**	**5,951**
– Received	4,991[349]	19,767[15,034]	29,814[25,155]	4,934[140]	5,357[233]
– Brought forward	817	970	899	692	594
(b) Completed	**4,838[353]**	**19,838[15,040]**	**30,021[25,155]**	**5,032[135]**	**5,323[254]**
Pursued and concluded	**2,912[344]**	**2,807[326]**	**2,826[249]**	**2,739[102]**	**2,558[138]**
– By inquiry[2]	2,502[326]	2,418[217]	2,480[246]	2,432[102]	2,112[119]
– By full investigation[3]	205[18]	240[109]	167[3]	92	141[16]
– By mediation[4]	205	149	179	215	305[3]
Assessed and closed	**1,926[9]**	**17,031[14,714]**	**27,195[24,906]**	**2,293[33]**	**2,765[116]**
– Insufficient grounds to pursue[5]	1,037[9]	8,676[7,496]	1,295[203]	1,171[6]	1,787[85]
– Legally bound[6]	889	8,355[7,218]	25,900[24,703]	1,122[27]	978[31]
(c) Percentage completed = (b)/(a)	**83.3%**	**95.7%**	**97.7%**	**89.4%**	**89.5%**
(d) Carried forward = (a) – (b)	**970**	**899**	**692**	**594**	**628**
Direct investigations completed	**12**	**10**	**9**	**8**	**9**

Note 1. From 1 April to 31 March of the next year.
Note 2. Pursued under section 11A of The Ombudsman Ordinance, for general cases.
Note 3. Pursued under section 12 of The Ombudsman Ordinance, for complex cases possibly involving serious maladministration, systemic flaws, etc.
Note 4. Pursued under section 11B of The Ombudsman Ordinance, for cases involving no, or only minor, maladministration.
Note 5. Not pursued but closed for reasons such as lack of *prima facie* evidence, organisation concerned is taking action, mere expression of opinion.
Note 6. Outside the Office's jurisdiction or restricted by The Ombudsman Ordinance.
[ ] Number of topical complaints.
– See "Glossary of Terms" in Chapter 1 for detailed definitions of the above terms.

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